IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7779 of 2005

Between:

C.D. Reddy, S/o. Ayyapu Reddy,
Wanaparthy Bus Depot, Mahabubnagar District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Gadwal Bus Depot,

Mahabubnagar District.
2 The Depot Manager, APSRTC, Wanaparthy Bus Depot,

Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent No.1 in imposing the penalty of deferment of petitioner's annual increment for a period of 2 years which shall have effect on petitioner's future increments as illegal, arbitrary, unjust and unreasonable and disproportionate and consequently set aside the final order No. M1/2(11)/96 - GDL dated 23-12-97 and pass such other order or orders

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following :

ORDER:

Questioning the action of the respondent No.1 in imposing the penalty of deferment of petitioner’s annual increment for a period of 2 years, which shall have effect on petitioner's future increments, the present writ petition is filed.

Mr. P. Venkateswarlu, learned counsel appearing for the petitioner contended

that without conducting any enquiry, major penalty has been imposed on the petitioner and therefore, the impugned proceedings are liable to be set aside.

On the other hand, learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1997 and therefore, there are no grounds to interfere with the impugned proceedings.

For certain irregularities said to have been committed by the petitioner, a charge sheet was issued to him and he gave an explanation. As the explanation was not satisfactory, the disciplinary authority issued final orders on 23-12-1997 imposing a major penalty of deferment of annual increment for a period of 2 years with cumulative effect.

Imposing a major penalty without conducting regular departmental enquiry cannot be sustained under law. Admittedly, no regular departmental enquiry was conducted in this case. Though it is a matter to be remitted back to the Disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this court to modify the major penalty imposed by the first respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1997, at this point of time, it is not desirable to remit back the matter to the Disciplinary Authority for conducting any regular departmental enquiry and further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the writ petition is disposed of modifying the penalty of deferment of annual increment for a period of 2 years with cumulative effect to that of deferment of annual increment for a period of 2 years without cumulative effect. By virtue of this order petitioner is not entitled to any monetary benefits. In the circumstances, no costs.

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K.C. Bhanu, J.

8th April 2005

js.

To

1 The Depot Manager, APSRTC, Gadwal Bus Depot, Mahabubnagar District.
2 The Depot Manager, APSRTC, Wanaparthy Bus Depot, Mahabubnagar District.

3 2 CD copies.